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April 20, 2007

Honorable Magistrate Judge Joyce London Alexander
United States District Court
District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way - Suite 2300
Boston, MA 02210

Re: Liberty Mutual Ins. Co. v. United States (1:05-CV-11048(RCL)) and
Liberty Mutual Fire Ins. Co. v. United States (1:05-CV-11049(RCL)) (cnsl.)

Dear Judge Alexander:

The above case was transferred to Your Honor from Judge Lindsay on January 9, 2007 (Doc. No. 56). On November, 16, 2006, the Court struck Defendant's *Memorandum of Law in Support of United States' Motion for Summary Judgment and in Opposition to the Plaintiffs' Motion for Summary Judgment* on the grounds that the memorandum exceeded the 25-page limitation set forth in the Court's January 12, 2006 Scheduling Order ("Scheduling Order") (Doc. No. 37). The order to strike defendant's memorandum was issued after plaintiffs filed their reply (Doc. No. 43) and an alternative reply (Doc. No. 46) on November 15, 2006, as required by the Scheduling Order. By Order dated January 3, 2007, the Court permitted Defendant to file a 25-page version of the stricken memorandum, and defendant re-filed the memorandum on January 5, 2007 as *Memorandum of Law in Support of United States' Motion for Summary Judgment and in Opposition to the Plaintiffs' Motion for Summary Judgment - Leave to File Granted on January 3, 2007* (Doc. No. 54). The Scheduling Order does not permit any further filings. However, the citations to defendant's memorandum in plaintiffs' reply and alternative reply submitted on November 15, 2006, before the Court's order to strike, are now inaccurate because defendant's memorandum to which they cite was stricken. This letter is submitted to assist the Court in reviewing the party's briefs by providing revised citations to defendant's memorandum.

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Accordingly, the following citations in *Plaintiff's 13-Page Reply Memorandum to Defendant's Motion for Summary Judgment and its Opposition to Plaintiffs' Motion for Summary Judgment* (Doc. No. 41), filed November 15, 2006, should be changed, as follows:

| <u>Page</u> | <u>Previous Reference</u> | <u>Updated Reference</u> |
|-------------|---------------------------|--------------------------|
| 4 | Df. Br. at 14 | Df. Br. at 6 |
| 5 | Df. Br. at 14 | Df. Br. at 6 |
| 6 | Df. Br. at 20 | Df. Br. at 11 |

The citations in *Plaintiffs' Extended Reply Memorandum to Defendant's Motion for Summary Judgment and its Opposition to Plaintiffs' Motion for Summary Judgment* (Doc. No. 43), submitted for filing November 15, 2006, should be changed as follows:

| <u>Page</u> | <u>Previous Reference</u> | <u>Updated Reference</u> |
|-------------|---------------------------|--------------------------|
| 4 | Df. Br. at 21 | Df. Br. at 12 |
| 9 | Df. Br. at 14 | Df. Br. at 6 |
| 10 | Df. Br. at 14 | Df. Br. at 6 |
| 11 | Df. Br. at 20 | Df. Br. at 11 |
| 14 | Df. Br. at 21 | Df. Br. at 12 |
| 14 | Df. Br. at 22 | Df. Br. at 13 |
| 19 | Df. Br. at 18 | Df. Br. at 9 |
| 19 | Df. Br. at 18 | Df. Br. at 9 |
| 21 | Df. Br. at 29 | Df. Br. at 18 |

Plaintiffs are willing to provide the Court with a revised Reply Memorandum if Your Honor prefers that approach.

Sincerely yours,



Peter H. Winslow
 Counsel for Plaintiffs

cc: Karen E. Wozniak
 Counsel for Defendant